

APPEAL NO. 031195  
FILED JULY 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 9, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury; that the date of the claimed injury was \_\_\_\_\_; that claimant did not timely report her claimed injury; and that she did not have disability. Claimant appealed these determinations on sufficiency grounds. Claimant also contends that the hearing officer erred in denying a motion to compel and in excluding certain exhibits. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We conclude that the hearing officer did not abuse her discretion in excluding the complained-of claimant's exhibits. The exhibits were not timely exchanged and the hearing officer could properly find that claimant did not have good cause for failing to timely exchange them.

Claimant contends that the hearing officer erred in failing to compel certain nonparties to answer interrogatories. Given the fact that the interrogatories were propounded to nonparties, we perceive no error. Claimant complains that the hearing officer "erred in the spirit of fairness" because she excluded some of claimant's exhibits while admitting carrier's exhibits. Some of claimant's exhibits were excluded because they were not timely exchanged. Claimant did not make a similar objection, or any objection, to carrier's exhibits and the hearing officer had no reason to exclude them.

Claimant contends that Conclusions of Law Nos. 3 and 4 are contradictory. It is clear that the hearing officer was merely trying to say that claimant did not sustain a work-related injury on either of the dates discussed at the hearing. The hearing officer then determined a single date of injury, as she was required to make a determination regarding the date of injury. We perceive no conflict in the determinations and no reversible error.

Claimant contends that Ms. T was not credible; that claimant's employer knew she sustained a work-related injury; that claimant was treated on her employer's premises; that Ms. S knew about the work-related injury; that there was evidence that she timely reported her injury; that claimant did not remember dates because of the medications she was taking; and that carrier sought to confuse the issues at the hearing. These assertions were for the hearing officer to consider in making her factual determinations. We have reviewed the complained-of determinations regarding injury, disability, date of injury, and timely notice and conclude that the issues involved fact

questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL RAY OLIVER, PRESIDENT  
221 WEST 6TH STREET, SUITE 300  
AUSTIN, TEXAS 78701-3403.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Panel  
Manager/Judge

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Edward Vilano  
Appeals Judge